

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF [NAME OF ORGANIZATION]

The CITY OF BELLAIRE, TEXAS appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced docket. We strongly oppose the tentative conclusion in the FNPRM that the value of cable franchise obligations, such as those that allow our programming to be viewed on the cable system, can be deducted from franchise fees.

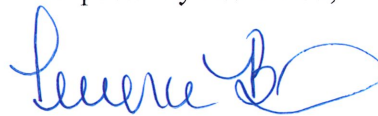
We oppose the proposed changes because we believe they will negatively impact to our budget thereby reducing the benefit to the community, and using fair market value to determine the amount to be considered a franchise fee will lead to arbitrary deductions. The only television station our residents can view our City Council meetings on is the station carrying our PEG programming. Without this station residents of the community would not have television access to the City Council meetings. Therefore, it is a community benefit.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or the PEG provider, rather than the public. As demonstrated above, the City of Bellaire provides valuable local programming that is not otherwise available on the cable system. Yet the Commission tentatively concludes that non-capital PEG

requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated [by] the LFA and therefore should not be considered contributions to an LFA.”¹ PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public and cable subscribers.

In conclusion, the City of Bellaire is strongly oppose to the proposed rules in the FNPRM.

Respectfully submitted,



Terrence Beaman
Chief Financial Officer

November 13, 2018

¹ FNPRM ¶ 21.